

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

ZACHARY W. CAPPS and ASPEN  
VALLEY HOLDINGS, LLC,,

Plaintiffs,

vs.

BULLION EXCHANGE, LLC and ERIC  
GOZENPUT,

Defendants.

Case No. 18-CV-162-GKF-FHM

**OPINION AND ORDER**

Defendant Bullion Exchange, LLC's Motion to Compel Discovery Responses From Plaintiff Aspen Valley Holdings, LLC, [Dkt. 40] is before the undersigned United States Magistrate Judge for decision. A response brief has been filed, [Dkt. 47], and the time has passed for the filing of a reply brief and none has been filed.

Plaintiff represents that Plaintiffs have produced documents to Defendants and that Aspen Valley has no further documents in its possession, custody, or control relevant to Defendants' document requests. [Dkt. 47]. Relying on that representation, and the absence of any information disputing that representation, the undersigned finds the motion is moot and is therefore denied.

Defendant Bullion Exchange, LLC's Motion to Compel Discovery Responses From Plaintiff Aspen Valley Holdings, LLC, [Dkt. 40] is DENIED as MOOT.

SO ORDERED this 14th day of March, 2019.

  
**FRANK H. MCCARTHY**  
UNITED STATES MAGISTRATE JUDGE